

Gillespie, Peter J

From: Thomas J Andrews [andrewst@jbltd.com]
Sent: Thursday, April 03, 2008 4:35 PM
To: THoffman@SanchezDH.com
Cc: kjj@rblaw.net; sdb@rblaw.net; tmpalumbo@kopkalaw.com; Gillespie, Peter J; Karasik, Mark L
Subject: RE: Misiak v. Hubbell

Tim,

While we await my status in the case, I want to confirm that there will be no destructive testing done while I cannot participate. I would not consider removal of covers, and operation of the crane destructive, since that has already been done. If plaintiff's experts want to try again to reproduce the accident, not only would that be unsafe, but may result in accidental destructive testing.

I am assuming that my request will not impact the planned inspection, or delay discovery. If I am incorrect about possible destructive testing, or testing that could impact subsequent testing results, please advise so that I can seek a protective order.

Tom

Thomas J Andrews
 Johnson & Bell
 33 W Monroe
 Suite 2700
 Chicago, IL 60603
 (312) 984-0239
 (312) 372-0522 fax
andrewst@jbltd.com

All contents of this e-mail and any attachment are private & confidential. If received or viewed by anyone other than the intended recipient, neither this e-mail nor any attachments, or anything derived from these, may be used or passed on for any purpose whatsoever, and all materials must be destroyed and the sender notified immediately.

From: Hawley, Heather L [mailto:Heather.L.Hawley@BakerNet.com] **On Behalf Of** Karasik, Mark L
Sent: Thursday, April 03, 2008 11:25 AM
To: THoffman@SanchezDH.com
Cc: Karasik, Mark L; kjj@rblaw.net; sdb@rblaw.net; tmpalumbo@kopkalaw.com; Gillespie, Peter J; Thomas J Andrews
Subject: Misiak v. Hubbell

Dear Tim:

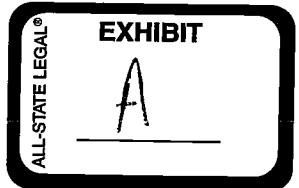
I am writing ahead to suggest that we schedule the inspection of the Union Tank Car premises for a date certain some time during the week of June 2 or June 9. I will have two in-house representatives and two outside consultants present. I have asked them to let me know if there are any bad days during those weeks. It looks like we will have the plant to ourselves given that Union Tank Car is closing its facility in May. I am suggesting that all parties (with the exception of Tom Andrews based on yesterday's ruling) advise if there are any bad dates during the weeks of June 2 or June 9. Finally, we (except for Tom Andrews) look forward to receiving Union Tank Car's compliance with the outstanding subpoena by April 23. Thanks for your cooperation and professionalism.

Best regards,
 Mark

cc: All parties of record

Mark L. Karasik
 Partner
 Baker & McKenzie LLP

6/23/2008



One Prudential Plaza
130 E. Randolph Drive
Chicago, Illinois 60601
Tel: +1 312 861 8615
Fax: +1 312 698 2226
mark.l.karasik@bakernet.com

Baker & McKenzie LLP is a member of Baker & McKenzie International, a Swiss Verein.

This message may contain confidential and privileged information. If it has been sent to you in error, please reply to advise the sender of the error and then immediately delete this message. [Click here](http://www.bakernet.com/disclaimer_bm) or visit www.bakernet.com/disclaimer_bm for other important information concerning this message.

All contents of this e-mail and any attachment are private & confidential. If received or viewed by anyone other than the intended recipient, neither this e-mail nor any attachments, or anything derived from these, may be used or passed on for any purpose whatsoever, and all materials must be destroyed and the sender notified immediately.